REPORT OF THE WALKER NICARAGUAN COMMISSION.

AN ESTIMATE OF \$118,113,790 SUBMITTED-COLONEL HAINS GIVES HIGHER

Washington, May 31.-The State Department to-day made public an abstract of the report of the Nicaragua Canal Commission as presented by Admiral Walker, the head of the Commission. It is understood to be the intention of the President to submit the full report to Congress at the beginning of the next session. The Department says that it will not be possible in the nean time to make public more of the report than the synopsis furnished to-day.

The Commission understood that it was required to consider all routes heretofore proposed having any merit, that new routes appearing to have merit should be developed, and the entire region of canal possibilities should he examined with sufficient thoroughness to enable a just and comprehensive comparison of the various routes to be made and the most desirable one selected.

With this view the Commission made a careful study of all data bearing on the Nicaragua Canal question, and organized a large force,

Much delay to the work and great annoyance to working parties were caused by attempts at revolution and by the strained relations between the governments of Nicaragua and Costa Rica. The outbreak of the war between the United States and Spain was also a serious matter. THE ROUTE FAVORED.

The report goes into minute details in regard to all questions connected with the construction of the canal, and says that after mature deliberation the Commission has adopted and estimated for the route from Brito to Lake Nicaragua, called the Childs route, and from the lake to Greytown, called the Lull route, This line, leaving Brito, follows the left bank of the Rio Grande to near Bueno Retiro and crosses the western divide to the valley of the Lajas, which it follows to Lake Nicaragua. Crossing the lake to the head of the San Juan River, it follows the upper river to near Boca San Carlos; thence, in excavation, by the left bank of the river to the San Juanillo and across the low country to Greytown, passing to the northward of Lake Silico. It requires only a single dam, with regulating works at both ends of the summit level. The surveys have in general revealed better physical conditions than were hitherto supposed to exist, especially as to the amount of rock in the upper river, whereby it is possible greatly to reduce the estimated cost of construction.

To determine the proper unit prices for ex-cavation, the average of prices actually paid to contractors on the Chicago Drainage Canal, which represent cost of plant, prices paid for work done and contractors' profits, were taken. To these prices certain percentages were added for the difference in location, climate, etc. In obtaining the estimates for the cost of locks, the prices actually paid for building the Government locks at Sault Ste. Marie were taken, and 33 per cent was added for the differ-

After giving due weight to all the elements of this important question, and with an earnest de-sire to reach logical conclusions, based on sub-stantial facts, the Commission believes that a stantial facts, the Commission believenal can be built across the isthm route for not exceeding \$118,113,790. isthmus on this Colonel Haina agrees generally with the views of the other members of the Commission, but his estimate of the cost is \$134,818,308

ARMY AND NAVY ORDERS.

Washington, May 31.-The following Army and Navy orders have been issued: ARMY.

Captain JAMES PARKER, 4th Cavalry, recently mus-tered out as Heutenant-colonel, 12th New-York In-fantry will join the 4th Cavalry at San Francisco. Captain JOHN L. BARBOUR is detailed as professor at Clinton Liberal Institute, Fort Plain, N. Y. Acting Assistant Surgeon S. MACCANDLESS STUART
will proceed to San Francisco and report to the commanding general Department of California for as-

direction of the Secretary of War, the follow-second lieutenants recently appointed are as-ted to the regiments specified:

Signed to the regiments specified:
PAUL T. HAYNE, JR., corporal, 5th Cavalry to the 8th
Cavalry: THOMAS A. VICARS, quartermaster-sergeant, 21st Infantry, to the 21st Infantry; ERNST
HAGEDORN, sergeant, 8th Infantry, to the 10th Infantry; GEORGE I. POSTER to the 10th Infantry;
HOWARD G. YOUNG to the 6th Infantry;
JOSEPHUS S. CEVIL to the 10th Infantry; WAIT
C. JOHNSON to the 10th Infantry; WAIT
HADSELL to the 10th Infantry; G. ARTHUR

Lieutenants HAYNE and JOHNSON will report to Join their regiments. Lieutenant HAGEDORN will proceed to San Prancisco for duty: Lieutenant FEFTER, YOUNG, CECIL and HADSELL will proceed to Camp Meade and Join the 19th Infantry. Upon the arrival of that regiment in the Philippine Islands Lieutenant YOUNG will Join his regiment.

Captain LOUIS F. GARRARD, JR., assistant quarter-master of volunteers, will proceed to New-York City and report to Major Francis B, Jones, general su-perintendent Army Transport Service, for assignment on the transport McClellan, relieving Captain Patrick H. McCauli.

NAVY. Paymaster T. J. COWIE, to remain on the Constellation, Paymaster S. R. CALHOUN, orders to the Constellation

Assistant Paymaster M. R. GOLDSBOROUGH, to the Dolphin, June 10. Passed Assistant Paymaster M. M. RAMSEY, detached from the Dolphin, Assistant Paymaster A. H. CATHCART, to Navy Yard, Pensacola, as purchasing paymaster and general

Passed Assistant Paymaster P. V. MOHUN, detached Navy Yard, Pensacola, ready for orders to the New-Lieutenant W. R. SHOEMAKER, detached command the Talbot, June 10, and to the Massachusetts.

Lieutenant T. G. DEWEY, detached the Essex, home and wait orders. Naval Cadet L. R. SARGENT, to the Massachusetts

Lieutenant E. H. TILLMAN, detached Naval Academy, Juna 10, to the Easex, June 22.

Lieutenant W. WINDER, detached the Raleigh, to tem-porary duty Bureau of Navigation, then to Michigan.

Naval Cadet A. C. OWEN, to Bureau of Equipment for compass instruction.

Lieutenants S. S. ROBINSON and C. F. COCPER; Ensign C. F. SNOW, Naval Cadets F. R. HOLMAN, A. W. PRESSET, H. P. PERRILL, O. G. MURPHIN, R. W. HENDERSON, O. G. DUNCAN, D. F. BOYD, J. W. GRAEME, D. E. THELEEN, U. L. JONES, W. R. WHITE, W. M. FALCONER, L. M. OVERSTREET, T. C. HART and L. C. RICHARDSON.

SONS OF BENJAMIN CONVENTION.

The fourth day of the thirteenth annual convenpendent Order of the Sons of Benjamin began yes-

was vigorous and vociferous. numerous particulars, as recommended in the annual report of the grand master. District Deputy William Morris, of Philadelphia, was the chairman of the committee on the grand master's report, and pretty much everything which he recommended

went through.

The convention was to adjourn with the after-moon session, but owing to the disorder and con-fusion it was impossible to finish the business on

WATER TOWER DOES EFFECTIVE WORK.

The big seven-story brick building at Nos. 54 and 56 Fulton-st. was threatened with destruction by a fire which started on the fourth floor at 6:15 o'clock last evening. By the prompt use of water tower No. 1, at the command of Acting Chief Croker, the structure was saved, and much of the stock of the tenants on the lower floors. The flames started in the pattern shop of H. B. Olmstead, on the fourth floor, and ate their way up through the hatchway to the floor above, which was vacant. The upper floors were occupied by the Manhattan Tin Can Works, and were destroyed before the tower

Works, and were destroyed before the tower stopped the advance of the flames.

E. Mitchell, manufacturer of brushes, occupied the third floor, and will suffer a small water damage. The second contained the stock of the Isaacsen Insect Powder Company, which also was damaged by water. Dickerson, Van Dusen & Co., dealers in metals, antimony and tin, lose only by water, and their loss will probably reach \$10,000. Chief Croker estimated the fire loss at \$30,000.

WORLD FAMOUS

Body, Brain and Nerve Tonic To Overcome SUMMER COMPLAINTS

AND HEAT PROSTRATION, AVOID SUBSTITUTES. Portraits and endorsements sent postpaid MARIANI & CO., 52 W. 15TH ST., NEW YORK.

DEATH OF AN OLD MAN HASTENED BY A BLOW FROM A GATE.

QUARREL OVER A STATEN ISLAND PATHWAY LEADS TO THE ARREST OF THE MAN WHO PUSHED THE GATE ON A

CHARGE OF HOMICIDE Charles Kelly, twenty-three years old, of Broadway, West Brighton, Staten Island, was arrested on a charge of homicide yesterday afternoon and locked up in the police station. He is charged with having caused the death of Michael Kennedy, seventy-eight years old, of Franklin-st;

Kennedy lived with his son in a small house which stands back from the street, and people were in the habit of going through the yard, making a short cut to Union-st., which is the next above. n after 12 o'clock Kelly went through the place with a pali. He is said to have been drunk at the time, and when the old man, Kennedy, told him not to make a public thoroughfare of his property,

Kennedy's granddaughter, Hannah Reagan, says that Kelly attempted to strike the old man, but stopped when she interceded. Kelly started away, and as he left the gate open the old man steppe out to close it. As ne reached the gate the young man stepped back and opened it again.

Kennedy's son, hearing the noise, went to his cesistance, and reached the spot just as Kelly gave the gate a push, causing it to strike the old man's chest.

man's chest.

Kennedy fell into his son's arms and died almost
instantly. Kelly accompanied his act with a curse
and the words, "You ought to have been dead long ago."
The age of the victim and the fact that he has been suffering with heart trouble may save Kelly. Drs. Mord and Whitman held an autopsy and determined that death had been caused by heart disease, and that Kennedy also had consumption.

TRANS-MISSISSIPPI CONGRESS.

OPENED IN WICHITA, KAN., FOR ITS TENTH

BESSION. Wichita, Kan., May 31.-The Trans-Mississippi Congress opened for its tenth session to-day with hundreds of delegates present from the States west of the Mississippi River. Governor Stanley of Kansas and Mayor Ross of Wichita welcomed the delegates, and responses were made by Governors Sayers of Texas and Murphy of Arizona. Hugh Craig, of San Francisco, president of the congress, telegraphed to-day that he could not attend, and the sessions were presided over by ex-Governor Prince, of New-Mexico. The subjects of territorial expansion and an American merchant marine will receive much attention from the congress, and a lively discussion is anticipated.

F. B. Thurber, of New-York, spoke about "Wider

Markets, and How to Get Them." He said in part

F. B. Thurber, of New-York, spoke about "Wider Markets, and How to Get Them." He said in part:

We are far behind in organized effort to place the merits of our goods before the consumers of the world. Perhaps this is not surprising, considering that our home market is the best in the world; and I, for one, would protect and develop to the utmost this outlet for our goods. But a nation which controls such resources in fields, forests, mines and factories as the United States, which has mastered the forces which now control the world—steam, electricity, machinery and publicity—as we have mastered them, will not be satisfied to ignore the market which the other thirteen hundred and seventy millions of consumers on the globe presents. But to get this market it is necessary to let the people of the world know the merits of our wares and have easy access to them. The chief thing necessary is publicity. It is useless to produce a good thing unless you let the world know it. From time immemorial the public crier, whether in street or minaret, has called men to trade or prayer. The printing press and the postioffice have become the public crier. I venture to say that every dollar expended in publicity has yielded, and will yield, a larger return than any other. No matter how crude or how ill-directed, the sum total of results in the great majority of instances will be on the right side.

We must have a place to dump our surplus, which otherwise will constantly depress prices and complet the shutting down of our mills, throwing our labor out of employment and changing our profits into losses. I do not believe in imperialism involving the annexation and assimilation of semicivilized populations, which would thus be enabled to compete with American laborers possessing the wants of a higher civilization, but I do believe in a policy of expansion which will give us the control of some markets which will give us the control of some markets which will give us the control of some markets which will go quietiy on about the pour

G. E. Morrow, president of the Oklahoma Agricultural College, spoke about the exportation of Indian corn to Europe for human food. He said in

part:

It is sometimes objected that increasing the use of corn as food for man will decrease the demand for wheat. Were this true, it would still be a question whether we had not better suffer some decline of exports of the crop in regard to which we have such close competition if we could thereby increase the demand for the crop which we can produce more cheaply than any other nation. But it is not probable that this result will follow. More probably, corn or corn and wheat flours mixed, would take the place of rey and barley—the black-bread grains of Europe. The greatest practical difficulty in the matter would seem to be in keeping up exports to supply any large demand when we had short crops.

INDIANS LEAVE CLOTHING BEHIND.

Guthrie, Okla., May 31 (Special).-The quarantine maintained over the Sac and Fox tribe of Indians for three months by the Government because of smallpox was raised to-day. One hundred and twelve Indians had the disease, of whom seventyseven died. When the physicians declared the disease stamped out the Government agent erected a new village of tepees, a mile from the old village, near Cushion, where they had been quarantined.

Each Indian was stripped naked this morning and made to run a mile from the old to the new village, where he was furnished with a tent, clothing, blankets and supplies by the Government. The bucks protested savagely against running, but they filled up on whiskey, surreptitiously given to them, and after stripping ran amuck through hundreds of whites assembled. The affair was highly sonsa-tional, but no one was hurt. After the Indians had departed the historic village, with all its relics, was

MEDALS FOR VERMONT SOLDIERS.

DR. W. SEWARD WEBB'S GIFT TO THE FIRST VERMONT VOLUNTEERS.

From The Burlington (Vt.) Free Press.

From The Burlington (Vt.) Free Press.

The first annual reunion of Company M, 1st Vermont Regiment, United States Volunteers, was held last evening in their armory on the anniversary of the company's being mustered into the service at Camp Olympia. The occasion was made doubly interesting by the presentation of the Webb service medals, the gift of Colonel W. Seward Webb, to each member of the 1st Vermont Regiment. The place occupied by the company in the hearts of the people of this city was shown by an attendance which filled the seats provided.

After the serving of the banquet Captain Brownell referred to the fact that the State had not seen fit to recognize the service of its regiment with a medal, and that a citizen whose interest in the regiment was never lost, had supplied this want, which had impressed the hearts of the men who volunteered. It was the generosity of Colonel Webb which saved many a man's life at Chickamauga, and now he has seen fit to provide each man with a medal by which he should remember his service in the war with Spain. He then called upon Adjulant-General T. S. Feck, who had been largely instrumental in the securing of the medals, and asked him to present them to the men.

General Peck said. "In the absence of Dr. W. Seward Webb you have requested me to present the war medals which he has given you. To bestow upon brave soldlers a reward for their valor is an honor which I greatly appreciate. Never shall I forget my feeling one year ago to-day, when at Camp Olympia you were mustered into the United States service. As you stood with heads unoovered and hands raised toward heaven, and took the mustering-in vows to be faithful and true to the United States service the war, as members of Company M, 1st Regiment, Vermont National Guard, you stood together and faithfully obeyed the company were than ever, and performed your full duty with fidelity and zeal. Your selection from six hundred infantry companies at Camp Thomas, Chickamauga to guard the paymaster's camp and its millions of mon

SECRETARY GAGE COMMENDS THE RE-CENT CIVIL SERVICE ORDER.

[BY TELEGRAPH TO THE TRIBUNE.] Washington, May 31.-Secretary Gage is an ardent believer in the modification- made by President McKinley's recent order in the list of officers within the scope of the Civil Service regulations. He said to-day:

The President has not made a change in the Civil Service rules that was not urged by the head of the Department concerned, and urged with satisfying reasons why the change would be beneficial to the transaction of public business. I believe that is true of all the departments. While I cannot speak with authority of other departments, it is certainly true with the Treasury. No change was made in the C vil Service regulations affecting the Treas that we did not recommend to the Presiour a initiative.

not yet well understood, nor have the reason for the changes, which the experience of administration may explain, been comprehended by persons not close to the administration of public affairs.

The only large class of places in the Treasury service which have been exempted are the deputy collectors of internal revenue, and politics has had nothing to do with their exemption. I have given that question the most careful study, and I do not places of deputy collectors of internal revenue included in the classified service.

Section 2,148 of the United States Revised Statutes thus provides: "Each collector shall be authorized to appoint by an instrument in writing, under his hand, as many deputies as he may think proper, to be by him compensated for their ser to revoke any such appointment, giving notice thereof as the Commissioner of Internal Revenue may prescribe; and to require and accept bonds or other securities from such deputies. Each such deputy shall have the like authority, in every respect, to collect the taxes levied or assessed within the portion of the district assigned to which is by law vested in the collector himself; but each collector shall, in every respect, be re viduals, as the case may be, for all moneys lected, and for every act done or neglected to be done by any of his deputies while acting as such.

Deputy collectors of internal revenue, therefore, are not appointed by the head of the Treasury Department, and are not directly amenable to him. They differ practically from all other employes in any way connected with this Department. The law authorizing the appointment of deputy collectors of internal revenue gives the power of appointment to the collectors. The deputies are responsible to the collectors only, and not to the General Government. The responsibility to the Government is through the collector, a responsibility for which the deputy must give bond to the collector. collectors are responsible for the action of these deputies, both to the public and to the Government, and Congress, recognizing that fact, gave to the collectors the appointing power. I believe these reasons leave no room for discussion as to the propriety of excepting these places from the classified

EXEMPTION OF DEPUTY COLLECTORS.

service.

Another class of exceptions has been the private secretaries to certain bureau heads. The list is not a long one, and it is not the character of place which will be opened to political pressure. A man should be free to choose his confidential secretary, for in no connection does the personal equation, which is quite unmeasurable by the Civil Service Commission, have greater weight.

The exceptions in the Alaskan service have been made necessary by the great distance from Washington, and the time consumed in making certifications and appointments under Civil Service regulations.

guiations. The half-dozen exceptions in the mint service are The half-dozen exceptions in the mint service are of positions where the employes have extraordinary financial responsibility, and these exceptions were recommended by the Civil Service Commission after a careful examination of the conditions. It should be noted that in the case of nearly all these excepted places, with the exception of private secretaries, it is provided that the person appointed must successfully pass an examination equivalent to the one held by the Commission for positions of like character. There is no letting down in the requirements for ascertained fitness, and in my opinion there will be no deterioration in the qualifications of people appointed.

NOT A BACKWARD STEP.

NOT A BACKWARD STEP.

I do not regard the changes in any sense a step backward. The inclusive order of President Cleveland, bringing, as it did, every place to which appointment was made by the Secretary of the Treasury into the classified service, with the exception of his private secretary and stenographer, was too broad. I think it was generally conceded at the time it was made that it would prohably be found too broad. It included in the classified service many places to which at the time no especial consideration was given, for it swept in everything. The decision to take out some of these places has not-been hasty. The trial has extended now for three years, and the number of exceptions, compared with the sixty-five thousand places that were included in President Cleveland's order, relatively are few. It is a matter of great surprise and are few. It is a matter of great surpris satisfaction that experience has not shown the exceptions now made should be more nur rather than so few.

THE ORDER CRITICISED.

RESOLUTIONS PASSED BY THE CIVIL SERVICE RE-FORM ASSOCIATION OF MARYLAND.

Baltimore, May 31.-The following resolutions were adopted to-day at the annual meeting of the Civil Service Reform Association of Maryland:

Civil Service Reform Association of Maryland:

The Civil Service Reform Association of Maryland expresses the profound regret with which it learned of President McKinley's action in taking, for the first time in the history of the Executive Department of the Federal Government since the Pendleton bill became a law, an unmistakable step backward in the application of the merit system to the public service of the Nation. It records its conviction that the order of the President withdrawing, wholly or partially, several thousand positions from the protection of the Civil Service rules, and thus sanctioning their use as means of corruption in our politics, is no less inconsistent with the principles of good government than with the emphatic and repeated declarations of Mr. McKinley himself, and it deems this measure open to the graver censure because adopted with full warning as to its consequences and despite earnest remonstrances from patriotic citizens and from the press.

warning as to its consequences and from the remonstrances from patriotic citizens and from the press.

The association deplores the failure of Congress to provide, so far as practicable, for the selection of employes of the Census Bureau through fair, thorough and practical competitive examinations open to all citizens, thus avoiding the abuses and scandals attendant on the taking of the last census due to the selection of many among those engaged in the work solely through partisan or personal favoritism, as a fiagrant violation of the promise made by the party now dominant that the application of the merit system "should be extended" wherever practicable, and a sacrifice of the country's interest to the private advantage of politicians.

The association takes pleasure in contrasting with these discouraging and discreditable failures in duty on the part of executive and legislative officers the recent gratifying progress made by the reform in the State of New-York under the inspiration and guidance of a Governor whose interest in pure politics and honest government is thus shown to be matter of principle and not matter of profit, and has been better proven than by loud professions at variance with official acts.

NEW POSTMASTERS IN THIS STATE. Washington, May 31.-Among the fourth-class postmasters appointed to-day were the following: New-York-Ellery J. Wood, Rogers Rock; G. F. Rotert, Put-in-Bay.

BALTIMOREANS VISIT PHILADELPHIA.

THE SITE OF THE EXPOSITION OF MANUFACT. URERS INSPECTED.

Philadelphia, May 31.-About thirty Baltimore business men arrived here to-day and inspected the site of the exposition which will be held in this city next fall. They were met at the Pennsylvania city next fall. They were met at the Pennsylvania Railrond station by the director-general, William P. Wilson, and other officials of the exposition. After looking over the grounds the visitors were escorted to the Philadelphia Commercial Museums and entertained at luncheon. They returned to Paitimore late this afternoon. The party consisted of members of the Baitimore Merchants' and Man-ufacturers' Association, Board of Trade, and Lum-berman's Exchange, headed by Summerfield Baid-win, of the first-named organization. The latter and City Register Supplee of Baitimore, each made addresses commendatory of the exposition and its objects.

DANGEROUS TENDENCIES OF THE TIMES. Tiffin, Ohio, May 31.-The General Synod of the Reformed Church closed its business to-day, Sunday newspapers, ball games, concerts, theatres and saloons were denounced. The Committee on State of Church reported among other things as follows:

of Church reported among other things as follows:

The danger to be apprehended from certain agencies, which are slowly but surely revolutioning the entire social fabric; the absorption of the wealth of the country in the hands of the few, the steady enlargement of the poorer classes of people and the gradual diminution of a prosperous and happy middle class—the hope of every thriving State—the rapid increase and intensification of all those social and industrial agencies which tend to make human life a burden of despair to the many and a material paradise to the few—all these things cannot but exert a baleful influence upon and prove a constant hindrance to the progress of the kingdom of Christ upon earth.

BUSY DAYS IN SIGHT FOR THE STATE TAX COMMISSIONERS.

NOT MUCH TRAVELLING, BUT PLENTY TO DO WITH REPORTS AT ALBANY-INCREASE OF CORPORATION TAXATION ESTIMATED

AT \$10,000,000 IN THE STATE.

[BY TELEGRAPH TO THE TRIBUNE.] Albany, May 31 .- Martin Heermance, one of the State Tax Commissioners, was here to-day looking into the affairs of the home office, and incidentally studying the Franchise Tax bill, which has impos

such responsible duties upon the Board of State Tax Commissioners. Mr. Heermance said: "My fellow-commissioners and myself have held no meeting since the Franchise Tax bill was sent to the Governor. We were

together the day it was passed, but were not then aware that it had been successful in the Legislat We therefore have had no consultation yet about the enforcement of the new law. ly, it does not go into effect till next October, for under former taxation laws we have mapped out of September. We are trying to see the supervisors and assessors of at least three countles a week, and county about their assessment of property. Then tary, Mr. Deyo, will make his valuations in the statistical table to be submitted to the State Board of Equalization, whose members meet early in

September and adopt the equalization table. "I do not anticipate," he continued, "being com pelled to do a large amount of travelling in order to ascertain the value of each franchise.

TO WORK AT ALBANY.

'It seems to me we can pretty accurately determine the value of franchises here in Albany from the financial reports of the various corporations. The Franchise Tax law, I observe, requires the local chises. We shall get a good deal of information, therefore, about them in that way. Of course, the work of appraising justly the value of these franchises will be exacting, and it seems to me it would more profitable to remain here in Albany studying the statistics rather than racing about the

"No plans as regards a bureau of franchise statistics have yet been adopted," he said. think, undoubtedly, we will issue a general blank for the corporations to fill out, giving us the information which we think would guide us in forming our judgment upon the value of a franchise between October 1 and January 1, will receive at tention first. There is a large body of corpora tions in that city whose franchises must be valued. The other counties of the State assess their property at a later period."

INCREASE OF TAX RECEIPTS

John J. Merrill, corporation tax clerk of the State wno is an expert on taxation questions and who aided in the framing of the Franchise Tax act, arrived here to-day from his home in Alle-

"I note that one alleged authority on taxation," said Mr. Merrill, "estimates that this Franchise

"I note that one alleged authority on taxation, said Mr. Merrill, "estimates that this Franchise Tax bill will only increase the taxation receipts of the cities or towns of the State to the extent of \$6,00,000. In my judgment it will be a far larger Sum Than \$5,000,000." Mr. Merrill then made some calculations, and said: "When you consider the Metropolitan Street Railway Company, the Brooklyn Rapid Transit Compary, the Consolidated Gas Company and other gas companies, the Edison electric light companies, the subway companies and the telegraph and telephone companies, it is a conservative estimate to say that the Franchise Tax act will increase the taxation of corporations in New-York City to the amount of \$6,000,000. I think at least \$10,000,000 more will be collected from corporations in the remainder of the State as the result of the passage of the Franchise Tax act, making a grand total of at least \$10,000,000 a year increase of corporation taxation. I hope the franchise taxation act will be most conservatively administered, and I have no doubt it will be. One of its results, I am positive, will be a long-needed revision of the taxation laws of the State. Another result will be such an increase in the amount of taxable property that the State tax rate and local tax rates in such places as New-York will be much decreased. I do not know of a taxation measure which has been passed in half a century of such importance."

MAY APPEAL TO THE COURTS.

Mr. Merrill believes that under the terms of the new act, and of the previous taxation laws of the State, the franchises of the corporations as real estate will be taxed at their full value. Other taxpayers will resort to the courts to compel the taxation of a franchise at its full value. Mr. Merrill said to-day that the taxpayers could appeal to the courts for the enforcement of the taxation laws in this respect, and pointed to Section 250 of Chapter 908 of the Laws of 1895 as indication of the power of taxpayers in this regard. The section reads as

of taxpayers in this regard. The section reads as follows:

"Any person assessed upon any assessment roll, claiming to be aggrieved by any assessment roll, claiming to be aggrieved by any assessment for property therein, may present to the Supreme Court a petition, duly verified, setting forth that the assessment is illegal, specifying the grounds of the alleged illegality, or, if erroneous by reason of over-valuation, stating the extent of such over-valuation, or if unequal in that the assessment has been made at a higher proportionate valuation than the assessment of other property on the same roll by the same officers, specifying the instances in which such inequality exists and the extent thereof, and stating that he is or will be injured thereby. Such petition must show that application has been made in due time to the proper officers to correct such assessment. Two or more persons assessed upon the same roll who are affected in the same manner by the alleged lilegality, error or inequality, may unite in the same petition."

STATE BOARD OF HEALTH BULLETIN. Albany, May 31.-The State Board of Health bulletin for the month of May, issued to-day, shows that 10.383 deaths were reported, representing a daily mortality of 346, which is eleven less daily than in March. The daily rate for the first three months of the year was 280, showing a decrease this month of 1,000 deaths from the rate of mortality of the

of 1,000 deaths from the rate of mortality of the preceding quarter.

Smallpox caused one death in New-York City and one in Rochester, the latter being the first from this cause outside of the metropolis since 184. Elsewhere in the State there is one case of the disease, at Caledonia, Livingston County; one at Batavia, one at Buffalo, one at Syracuse and recently two cases at Cosymans, Albany County, negroes from the vicinity of Newport News, Va., whence it probably originated; the origin of the other cases is not clear, save that at Buffalo, which is traced to New-Mexico, but all seem to have developed independently of previous outbreaks in this State.

CONDITION OF THE CANALS.

Albany, May 31.-Deputy Superintendent of Public Works E. H. Hooker, accompanied by the superintendent of the eastern devision and party, returned to-day from an inspection of the eastern division of the canals and the Champiain Canal. He reports everything in good condition, and the levels especi-ally well up.

CLAIMS AGAINST THE STATE.

Albany, May 31.-Twenty claims, aggregating \$11, 611, for damage done to land and property by the break in the Eric Canal at Spencerport, County, May 9, 1899, were to-day flied with the State Court of Claims. The heaviest claims are: Town of Jarma, \$1,000; James Hawkins, \$1,000; Julia E. Davis, Parma, \$1,000; James Hawkins, \$1,000; Julia E. Davis, \$1,250; Adelaide A. Sweet, \$2,150.

NEW STATE CORPORATIONS Albany, May 31.-The following companies were

to-day incorporated with the Secretary of State: The Hart-Ayres Plumbing Company, of Brook-yn; capital, 25,000, and directors, Charles Hart, loseph F. McLean, Andrew Halsey and Richard Bergen, of Brooklyn; Paul Ayres, of Oceanside, Duenn County Bergen, of Brooklyn; Paul Ayres, of Oceanside, Queens County.

The Melodia Company, of New-York City, to carry on a music store; capital, \$5,000, and directors, Kate B. Truax, of Cranford, N. J.; Joseph Cooper, of Jersey City; William M. Crane, James E. Heath of New-York City; Frank J. Van Order, of Newark, N. J.

Empire State Construction Company, of New-York City; capital, \$5,000, and directors, Isaac Davega, Charles E. Taller, Harold Nathan, of New-York City.

The Campbell Knitting Mills Company, of Elmira; Fernando E. Rogers, of Rochester; George W. Clark, of Hoosick Falls.

Versailles Produce Company, of New-York City; capital, \$10,000, and directors, Martha H. Stout, of Brooklyn; Albert E. McMulkin, Charles B. Hovey, of New-York City.

MOVEMENTS OF NAVAL VESSELS. Washington, May 31.-The New-Orleans has ar-

rived at Pensacola. The Prairie has arrived at Southport with the returning North Carolina Naval Militia aboard. The Nashville has arrived at Nat-chez, Miss. The Yosemite sailed yesterday from Gibraltar for Port Said, for Guam, carrying Governor Leary. The Potomac has sailed from Ports-mouth for Boston. The Amphitrite sailed yesterday from Norfolk for League Island, to undergo repairs. The Abarenda has arrived at Montevideo, on her way to Samoa, by the Stratt of Magelian. The Chicago has arrived at Aden, from which point she will cruise down the east coast of Africa as far as the Cape of Good Hope, and then cross to Brazil. The Marblehead has sailed from Rio for Montevideo, on her way to the Pacific Station. The Annapolis has been turned over to the Naval Academy as a practice ship. The Marietta has been ordered from Norfolk to Boston, where she will be repaired. from Norfolk for League Island, to undergo re-

RECOMMENDATIONS OF THE PRESIDENT OF THE PRODUCE EXCHANGE.

FOR THE LOSS IN EXPORT COM-

A DISCUSSION OF THE CAUSES AND REMEDIES MERCE AT THIS PORT

The Produce Exchange held its annual meeting resterday. President Brainard, in the annual report made by him in behalf of the Board of Managers, that the gross income of the Exchange for the year penditures were \$254,679, the net surplus being \$58, 491. He outlined the operations of various committees in the year just ended, and dwelt at some ength upon the annual report of the trustees of the Gratuity Fund, noting the fact that a special committee is now making an exhaustive examination of the gratuity system from its inception, with a view to recommending plans for its improvement. The largest part of the president's report, however is devoted to a discussion of the causes of and remedles for the loss in export commerce of the Port of New-York and an argument in support of the policy of canal improvement. On these points Mr. Brainard says in part:

Mr. Brainard says in part:

At a recent session of the Interstate Commerce Commission, held in this city, witnesses representing the railroad interests stated that the loss in trade at this port is partially due to the fact that cars at other competing Atlantic ports can be unloaded directly into the steamship. This is undoubtedly one of the causes; and, with the maintenance of the differential, is operative in diverting trade. But the remedy for this lies with the railroads and merchants interested in this port. New-York should have the same facilities as are given to other ports. There exists no reason why grain should not be transferred from the cars directly into ocean steamers, except private interests.

The policy of the State regarding canal enlargement still remains an unsettled problem. From the fact that our merchants control almost exclusively the grain received at this port (160,031,425 bushels in 1895) the question is one of absorbing interest to this Exchange. Your Canal Committee has kept in touch with the State authorities and also with representatives of other sections of the State.

An erroneous impression prevalls to some extent among a class of our citizens who do not have a direct interest in the canals, that these waterways have cost the State a vast amount of money, and, that while they have been of great value, they cannot now compete with the railways, and therefore have fulfilled their purpose. The thought is sometimes expressed in connection with the Eric Canal, and perhaps voices to a certain extent an existing feeling "that it would be better to fill the ditch up.

The canals have not, up to the present time, cost the State one cent; on the contrary, there is a large balance to their credit. The State received from toils, up to the time they were abolished in 1882, \$134,648,990. The entire cost of construction and maintenance up to 1895 was \$192,345,123, or \$32,303,771 less than the amount realized from toils. Deduct from this the cost of the \$5,000,000 improvement, together with ma

is a recognized fact that freight can be carried water cheaper than any other way. Competen

from \$15,000,000 to \$20,000,000 to the creak of the canals.

It is a recognized fact that freight can be carried by water cheaper than any other way. Competent authority estimates that with a canai from Buffalo to New-York equal to that of the St. Lawrence system the cost of the transportation of wheat would be less than one cent a bushel. If Canada can expend \$40,000,000 in the improvement of her waterways, New-York can afford to expend \$100,000,000 if necessary. The question to be determined is to what extent shall the improvement be made. This the Superintendent of Public Works and the State Engineer, with the assistance of the Advisory Board appointed by the Governor, are endeavoring to solve, and the money required for said work must be honestly and intelligently expended.

The wonderful development of our State, the commercial position of our city and port to-day, are largely due to the building of these canais. At the time they were projected and constructed waterways were practically the only means for the transportation of domestic commerce. From what was little more than an undeveloped wilderness cities and towns have arisen, numbering alone, it is said, along the line of the canais 189, many of which are now of the first rank in commercial importance. For over sixty years there has been carried an annual average of 4,250,000 tons, representing a total value for that period of \$7.80,000,000. Brought to a proper state of efficiency, they will furnish a means of transportation from the Great Lakes to the seaboard which will be beyond competition, and will regain to New-York a large portion of that commerce which is naturally hers, and which has been allowed to drift away. The question is of such vital importance to the commercial interests of this nort that this Exchange should continue to exert every proper influence in its power until a system of canais shall be assured which shall in every way meet the requirements of the present day.

It is also a source of great gratification to record the fact that the last Congress passed the ap-propriation for the deepening and widening of the ship channels to this harbor,

There will be presented to the Exchange to-day a portrait of ex-President Thomas. To-morrow caucus will be held for the selection of a ticket to be voted for on Monday, when the election of off cers for the coming year will be held.

APPOINTMENT FOR JOB E. HEDGES.

ATTORNEY-GENERAL NAMES HIM A DEPUTY-10

Albany, May 31 .- Attorney-General Davies this afternoon announced the appointment of ex-Police Magistrate Job E. Hedges, of New-York City, as an additional Deputy Attorney-General. The appointment is to take effect to-morrow. The Attorney-General is about to take up a new

branch of work, the general supervision of the nterests of the stockholders in defunct corporations and corporations in the hands of receivers It is intended to insist upon the winding up of corporations in receivers' hands, hereafter, within a reasonable length of time, and not to permit recelverships to run along for years and be the prey of unscrupulous attorneys, whose sole aim is to drag the corporations through all sorts of litiga-

tion.

The Attorney-General will, through his new deputy, superintend all such proceedings and pass upon the accounts of receivers every year. By the adoption of such methods it will be possible to wind up the affairs of embarrassed State banks within a year, as is done by the United States in the case of National banks. Many complaints of delays in winding up the affairs of corporations have been filled with the Attorney-General.

Job E. Hedges is a young lawyer who has taken considerable interest in the Republican politics the XXVth Assembly District in recent years. He was secretary to Mayor Strong during the greater Strong's administration of affairs at the City Hall, and then was appointed to the office of City Magistrate. He held that office several months, and then resigned it to permit the Mayor to appoint Willard H. Olmsted. Mr. Hedges has a law office at No. 141 Broadway, and lives at No. 29 West Twenty-sixth-st. The salary of his new office is \$3,000 a year, and his work as Deputy Attorney-General will be performed at his office in this city. He succeeds Clarence W. Francis, No. 38 Pine-st., who was appointed by Attorney-General Hancock. Mr. Francis is said to be a relative of Charles S. Francis, of Troy, who was a close personal and political friend of Governor Black.

FELL FIVE HUNDRED FEET FROM BALLOON

BRANCHES OF TREE BROKE AERONAUT'S FALL AND HE IS EXPECTED TO RECOVER.

Kansas City, Mo., May 30.-Howard Twiss, son of a former Mayor of Kansas City, Kan., attempted to make a balloon ascension and parachute jump yesterday at Chelsea Park, a suburban resort. ascended about five hundred feet, when the balloon capsized. The parachute failed to work, and young Twiss, the balloon and the parachute came to earth. Luckily, the young aeronaut fell first into the branches of a big tree, through which he tumbled to the ground. The doctors say he will

COST OF THE GREAT CANAL. DIED IN HIS SON'S ARMS. PRESIDENT'S ACT PRAISED. FRANCHISE TAX COMMENT. FOR CANAL IMPROVEMENT. La Republique Francaise

Carl H. Schultz.

United States Circuit Court, Southern District of New-York, for the Second Circuit. Wallace, Circuit Judge:

Upon the proofs in this case it is clear that the name "Vichy" is not a trademark or trade name of the complainants in the strict legal sense of the term, but is a geographical name of mineral springs at or near Vichy, in the Department of Allier, France, to designate the locality of origin and indicate the general characteristics of the waters. The bill can only be maintained upon the theory of unfair competition by the defendants, in applying that name to the artificial mineral water manufactured and sold by them in this country. Canal Co. vs. Clark (13 Wall, 311); Columbia Mill Co. vs. Elkhorn (150 U. S., 460); The Anheuser-Busch Brewing Association vs. Piza (23 Bletch., 254); Newman vs. Alvord (51 N. Y., 189); Wotherspoon vs. Currie (L. R. 5 H. L., 508-513).

For fifty years or more artificial mineral

waters approximating more or less closely in

their ingredients and properties to the natural

mineral water have been prepared and sold by

the name of "Vichy" by manufacturers in Eu-

rope and in this country. Natural waters lose

their original virtues more or less when

removed from their sources, while artificial waters manufactured under pressure of carbonic acid gas remain intact in all their ingredients. Mr. Schultz began the manufacture of artificial water in New-York City in 1862, and from that time until the present bill was filed, a period of thirty years, continued to make and sell it in large quantities here, advertising it as "Schultz's Vichy Water." His earliest circular to the trade in the record contains this statement: "The mineral waters will be made with the greatest care and according to the best analyses known, so that they will not differ from the natural springs." As was said of him in a quite similar case by Judge Coxe (City of Carlsbad vs. Schultz, 78 Fed. Rep. 471), "the case is devoid of any element of actual fraud, and the defendant has acted in good faith throughout. His product acquired a high reputation for its purity, was prescribed extensively by physicians, and was considered by many to be preferable for therapeutical purposes to the natural waters." It became popular as a beverage, being kept by druggists generally, to be drawn from fountains or syphon bottles and sold by the glass. The labels used by Schults were widely dissimilar from those used with the natural water. "It is apparent that he was solicitous to have the water identified with his name as its manufacturer; and that so far from attempting to palm it off upon the public as the natural Vichy water, he sought to commend it as an artificial water, having substantially the ingredients and properties of the natural water, but of greater excellence and purity than the water made by his competitors." If any part of the public bought

Assuming that the use of the name "Vichy" in connection with the artificial water made by Schultz may have tended to divert to some extent sales of the water of the complainants, I do not think it tended appreciably to confuse the identity of the two articles.

or used his product, supposing it to be the natu-

ral Vichy water, they must have been very ig-

norant or very careless persons.

If it should he assumed, however, that Schultz's use of the name did tend to some extent to confuse the identity of the two articles, the case presents the question whether, after he had used it for nearly thirty years publicly and notoriously, without any interposition on the part of the complainants, the latter can be heard to assert the right to an injunction. It is impossible that the owners of the natural waters should not have known that wherever they were extensively sold, artificial waters were being made and sold extensively by the same name. If the artificial waters had been made and sold as purporting to be the natural waters, there would be less equity in the defence of laches and acquiescence; but they were not They were made and sold to supply a for artificial waters having properties similar to those of the natural water. It is very late to ask the intervention of equity to suppress a course of business which originated innocently. and has been so generally adopted. Equity is indisposed to assist parties who have slept upon their rights and acquiesced in their appropriation by others for a great length of time. The unexampled delay and acquiescence in the present case, I think, should defeat the action, Woodmanse & Hewit Manufacturing Company vs. Williams (37 U. S. Ap., 109); Lane & Bodly Co. vs. Locke (150 U. S., 193); McLaughlin va-People's Railway Company (21 Fed. Rep., 574).

The bill is dismissed with costs. United States Circuit Court, Southern District of New-York, Second Circuit.-La Republique Française and Others vs. Carl H. Schultz. Opinion, Wallace, C. J.-United States Circuit Court,

filed May 23, 1899. John A. Shields, Clerk. (From the N. Y. Law Journal.)

MOHONK LAKE CONFERENCE. Mohonk Lake, N. Y., May 31.—The fifth Lake Mohonk Conference for the promotion of international arbitration met at the Lake Mohonk House to-day. After devotional exercises, led by the Rev. Dr. T. L. Cuyler, Albert K. Smiley delivered an address of welcome. Upon his motion ex-Senator George F. Edmunds was elected chairman. In his address Mr. Edmunds doubted the immediate out-come of results from the Hague Conference, but considered the triumph of international arbitration The following officers were elected: Secretaries, Miss Martha D. Adams and Henry D. inevitable. F. Baldwin; Press Committee-Major M. H. Bright, A. R. Wales and Mrs. Louisa Houghton. The following Business Committee was appointed: Everett lowing Business Committee was appointed: Everett
P. Wheeler, chairman; Professor John B. Clark,
W. J. Coombs, John I. Gilbert, C. R. Woodruft,
John H. Stiness, Robert Treat Paine, Samuel B,
Capen, Lyman Abbott, William Hayes Ward nd
James Wood.

The Rev. Edward Everett Hale made the opening
address, eulogizing the efforts of the Czar for
peace, and insisting that minor differences between
nations should be settled by arbitration. Brief adnations should be settled by arbitration. Brief adnations should be settled by arbitration. Wheeler,
dresses were also made by Everett James Wood, John
U. Gilbert, Robert Treat Paine, Amory Bradford,
James M. Ludiow, G. G. Mercer, Julius Dreyer and
M. H. Bright.

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